Mr. M. Sivarama Menon (*Constitutional Adviser*): I second it.

Mr. President : The question is the Cochin Court Fees Act (Amendment) Bill be taken up and finally passed tomorrow.

Motion put and carried

Mr. K. T. Achyuthan (*Ezhuvas-Mukundapuram*): Sir, I request that my Bill may be taken up tomorrow.

Mr. President : Yes.

BILLS—NON-OFFICIAL

The Cochin Shops and Commercial Establishments Bill

***Mr. P. T. Jacob** (*Latin Christians-Mattancheri*) : I rise to move for the introduction of the Cochin Shops and Commerecial Establishments Bill.

സർ, ഈ ബിൽ അവതരിപ്പിക്കുന്നതോടുകൂടി എനിക്ക് ഈ സഭയെ അറിയിക്കാനുള്ളത് ഇങ്ങിനെയുള്ള ഒരു നിയമം നമ്മുടെ നാട്ടിൽ വളരെ ആവശ്യമായിട്ടുള്ള ഒന്നാണെന്നു ഇതിനുമുമ്പുതന്നെ ഈ നിയമസഭയിൽ അവതരിപ്പിച്ചിട്ടുള്ള രണ്ടു ബില്ലുകൾ തെളിയിക്കുന്നുണ്ട് എന്നാണ്. എന്നാൽ ആ ബില്ലുകളിൽ ഉൾക്കൊള്ളിച്ചിട്ടുള്ള പല വകുപ്പുകളും ഇതിൽ ചേർന്നിട്ടുള്ളതാണെങ്കിലും അവ ഈ നാട്ടിലെ കച്ചവടസ്ഥലങ്ങളിലും അതുപോലെതന്നെ പീടികകളിലും മാറ്റം ജോലിചെയ്യുന്ന തൊഴിലാളികൾക്ക് ആവശ്യമായ വിശ്രമം മുതലായവയെല്ലാം ലഭിക്കുന്നതിനു അത്രമാത്രം പര്യാപ്തമായതാണോ എന്നുള്ള കാര്യങ്ങളെ അടിസ്ഥാനപ്പെടുത്തി ഏതാനും ചില മാറ്റങ്ങളും ഉണ്ടാകത്തക്കവിധത്തിൽ ഈ ബില്ലിൽ പലതും ഉൾക്കൊള്ളിച്ചിട്ടുണ്ട്. ഇതു ഈ നാട്ടിലെങ്കും ഇല്ലാത്തവിധം പ്രത്യേകിച്ചു ഇന്ത്യയിൽ എവിടേയും നടപ്പിലാകാത്തവിധത്തിലുള്ള ഒന്നാണെന്നുള്ളതുകൊണ്ടു ഇതിനെ സ്വാഗതംചെയ്യാൻ ഈ നാട്ടിലെ വ്യാപാരികളും, ഈ നാട്ടിലെ സാധാരണക്കുടുംബങ്ങളും തയ്യാറായി എന്നു വരുകയില്ല. എനിക്കുതന്നെ മറ്റുള്ള രണ്ടു ബില്ലുകളുടേയും സിലക്ട് കമ്മിറ്റിയിൽ ഒരംഗമെന്ന നിലയിൽ ഹാജരാകാൻ ഇടവന്നപ്പോൾ ഇതുപോലുംതന്നെ പുരോഗമനപരമായ ആ ബില്ലിനെ എതിർത്തുകൊണ്ടാണു ഈ നാട്ടിലെ വ്യാപാരികളും അതിനെ സ്വാഗതംചെയ്യിട്ടുള്ളതെന്നു അറിയാൻ കഴിഞ്ഞിട്ടുണ്ട്. അതിൽ ൻ മണിക്കൂറും ജോലിചെയ്യിക്കാനും, ചിലപ്പോൾ പന്ത്രണ്ടു മണിക്കൂർവരേയും ജോലിചെയ്യിക്കാനും ഉള്ള സൌകര്യമുണ്ടായിട്ടുപോലും അതിനെ എതിർത്ത ഒരു വ്യാപാരമണ്ഡലത്തെയാണു നമുക്കു കാണാൻ സാധിന്നുള്ളു. എട്ടുമണിക്കൂറിൽ കൂടുതൽ ഒരു തൊഴിലാളിയെക്കൊണ്ടു ജോലിചെയ്യിച്ചുകൂടാ എന്നുള്ള വ്യവസ്ഥയാണു ഈ ബില്ലിൽ കാര്യമായി ഉൾക്കൊള്ളിച്ചിട്ടുള്ളതു. എട്ടു മണിക്കൂർ എന്നു പറയുമ്പോൾ അതു വളരെ കുറവായിപ്പോയി, അതിൽകൂടുതൽ ആയിട്ടുള്ളതാണു ഇന്ത്യയിൽ മറ്റുള്ള എല്ലാ സംസ്ഥാനങ്ങളിലും ഇന്ത്യ ഒട്ടുക്കുതന്നെയും നിലനില്ക്കുന്നതെന്നു വാദിക്കുന്നവരുണ്ടാകും. ഇവിടെ ഇങ്ങിനെ ഒരു നിയമം ഉണ്ടാക്കുന്നതു ശരിയായിരിക്കുകയില്ലെന്നു വാദിക്കുന്നവരേയും നമുക്കു കാണാൻ സാധിക്കും. പക്ഷെ തൊഴിലാളികൾക്ക ശരിക്കു വിശ്രമിക്കാനുള്ള അവസരം ഉണ്ടാകണമെന്നു വാദിക്കുന്ന നമുക്കു ഇവക വാദങ്ങളെ എതിക്കാതിരിക്കാൻ നിവൃത്തിയില്ല. അതിനു പുരോഗമനപരമായ നിയമങ്ങളുണ്ടായാൽ മാത്രമേ സാദ്ധ്യമാകയുള്ളു. ഇന്നു നമ്മുടെ നാട്ടിൽ നിലവിലുള്ള പുരോഗമനപരമായ നിയമങ്ങളൊക്കെ യാഥാസ്ഥിതികമായ പഴയ പഴയ നടപടികൾക്കു എതിരായിട്ടുള്ളതാണെന്നു നമുക്കറിയാം. അങ്ങിനെ പുതിയ പുതിയ ആവശ്യങ്ങളുണ്ടാകുമ്പോൾ കാലോചിതമായ വ്യത്യാസങ്ങൾ വരുമ്പോൾ ഇതിനെ ഇന്നത്തെപ്പോലെയുള്ള പുരോഗമനവാദികളും, ഈ നിയമസഭയിലുള്ള അംഗങ്ങളും ഇതിനെ എതിക്കാനും ഇതിനെ തടയാനും പരിശ്രമിക്കുമെന്നു ഞാൻ വിശ്വസിക്കുന്നില്ല. മദ്രാസ്സിൽ ഏതെങ്കിലും ഒരു വ്യാപാരസ്ഥലത്തു ജോലിചെയ്യുന്ന കണക്കെഴുത്തുകാരനായാലും ശരി, Cash Keeper ആയാലും ശരി, മറ്റു ചില്ലറ ജോലിക്കാരനായാലും ശരി അയാൾക്ക് എട്ടുമണിക്കൂറിൽ കൂടുതൽ ജോലിചെയ്യുന്നതിനുള്ള യാതൊരു നിയമവും നാട്ടിലുണ്ടാകാൻ പാടില്ല എന്നുള്ളതാണു ഇതിലെ വ്യവസ്ഥ. ജോലിചെയ്യുന്നവക്കു വിശ്രമിക്കുവാനായി ഇപ്പോഴത്തെപോലെ ഞായറാഴ്ചമാത്രം മഴിവനുവദിച്ചാൽ പോര എന്നുള്ളതാണു എന്റെ വാദം. ഇതിനോടുകൂടി പലരും അനുകൂലിച്ചില്ലെന്നുവരാം. നമ്മുടെ നാട്ടിൽത്തന്നെ ചില വ്യവസായശാലകളിൽ, ടാറാക്കമ്പനി മുതലായ വ്യവസായശാലകളിൽ ഉച്ചക്ക് കഴി

*Speech not corrected by the Hon'ble Member.

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[Mr. P. T. Jacob

സമയം വിശ്രമത്തിന്നായി ഒഴിവുണ്ട്. Commercial Establishment എടുത്തുനോക്കുകയാണെങ്കിൽ സാധാരണ വ്യാപാരസ്ഥലങ്ങളിൽ ശനിയാഴ്ചദിവസം ഉച്ചവരെ ജോലി ചെയ്യിക്കുന്ന കമ്പനികളും നമ്മുടെ നാട്ടിൽതന്നെയുണ്ട്. ഇതിനെക്കുറിച്ചു ഒരു വാദം പറയുകയാണെങ്കിൽ ആ വിധത്തിൽ നമ്മുടെ നാട്ടിൽതന്നെ തൊഴിലാളികൾക്കു സൌകര്യങ്ങൾ ചെയ്തുകൊടുക്കുന്ന ഏർപ്പാടുകൾ ഉണ്ടെന്നു എനിക്കു ചൂണ്ടികാണിക്കേണ്ടിയിരിക്കുന്നു. ആഴ്ചയിൽ ൪൪ മണിക്കൂറിൽ കൂടുതൽ ഒരു തൊഴിലാളിയെക്കൊണ്ടു് ജോലി എടുപ്പിക്കാൻ പാടില്ലെന്നുള്ളതാണു് എനിക്കിവിടെ വാദിക്കാനുള്ളതു്. പിന്നെ ഇവിടെ അവതരിപ്പിച്ചിട്ടുള്ള ബില്ലുകളിൽ തുടർച്ചയായി ഒരു തൊഴിലാളിയെ അയാൾക്കു വിശ്രമസൌകര്യം കൊടുക്കുന്നതിന്നു മുമ്പായി ഏഴു മണിക്കൂറേ ജോലി ചെയ്യിക്കാവൂ എന്നുള്ള ഒരു വ്യവസ്ഥ ആ രണ്ടു ബില്ലുകളിലും ഉൾക്കൊള്ളിച്ചിട്ടുള്ളതായിക്കാണാൻ സാധിച്ചിട്ടുണ്ടു്. പക്ഷെ ഏഴു മണിക്കൂർ നേരം ഒരു തൊഴിലാളിയെകൊണ്ടു തുടച്ചയായി പണിയെടുപ്പിക്കുക എന്നുവെച്ചാൽ അതൊരിക്കലും മാനുഷികമായിരിക്കുമെന്നു ഞാൻ വിശ്വസിക്കുന്നില്ല. നിശ്ചയമായും അതു കുറച്ചുകൊണ്ടുവരേണ്ടതു് ഏറ്റവും അത്യാവശ്യമായ ഒരു കാര്യമാണു്. അതിന്നുവേണ്ടി പരിശ്രമിക്കേണ്ടതു നമ്മുടെ ചുമതലയാണു്. എന്നെ ഈ ബില്ലിൽ, എത്ര ആവശ്യം വന്നാലും അഞ്ചുമണിക്കൂറിൽ കൂടുതൽ തുടച്ചയായി ജോലിയെടുപ്പിക്കാൻ പാടുള്ളതല്ല എന്നും, തുടച്ചയായി അഞ്ചുമണിക്കൂർ ജോലിചെയ്യിച്ചശേഷം വിശ്രമം കൊടുക്കണമെന്നുമാണു് വ്യവസ്ഥചെയ്തിട്ടുള്ളതു്. അങ്ങിനെ അഞ്ചുമണിക്കൂർ ജോലിയെടുത്തിന്നുശേഷം വിശ്രമം കൊടുക്കുക എന്നുള്ള തത്വമനുസരിച്ചു്, വ്യാപാരസ്ഥലങ്ങളിൽ ജോലിസമയം ക്രിയപ്പെടുത്തി തൊഴിലാളികൾക്കു ദോഷംവരാത്തവിധത്തിൽ, വിശ്രമം അതിവിദൂരമല്ലാത്ത സമയത്തേക്കു നീട്ടിക്കൊണ്ടുപോകാതെ ജോലിചെയ്യുവാൻ സാധിക്കുന്നവിധത്തിൽ ആ വിശ്രമം ഉൾപ്പടെ എട്ടുമണിക്കൂർ ജോലിചെയ്യാൻ തക്ക സൌകര്യം ഉണ്ടായിരിക്കേണ്ടതാണു്. അതായതു spread over ൧൰ മണിക്കൂർ ആകരുതു്. വേലക്കാക്കു കൊടുക്കുന്ന വിശ്രമം വിദൂരമായ ഒരു സമയത്തേക്കു നീട്ടിക്കൊണ്ടുപോയാൽ, രാത്രിയായാലും പകലായാലും, കൂടുതൽ സമയം ജോലിയെടുപ്പിക്കാൻ സാധിക്കും. അങ്ങിനെയാണെങ്കിൽ ഈ ബില്ലുകൾകൊണ്ടു നിർദ്ദേശിക്കുന്നപോലെയുള്ള വിശ്രമസൌകര്യം ഉണ്ടാവുകയില്ല എന്നുള്ളതു നിശ്ചയമാണു്. തൊഴിലാളികൾക്കു് ആനുകൂല്യം ലഭിക്കുന്ന നിയമങ്ങളെ എതുക്കുന്നവിധത്തിലുള്ളതാണു് നമുക്കിന്നുള്ള അനുഭവം. അതു് ഏതാണ്ടു സ്വാഭാവികവുമാണു്. ഇവിടെ ഏതൊരു കൺട്രോൾ ഉണ്ടാക്കിയാലും അതിന്നു് എതിരായ പ്രവർത്തനങ്ങൾ പലസ്ഥലങ്ങളിലും നടത്തിവരുന്നതായി നാം കാണുന്നുണ്ടു്. ഇവിടെയെന്നല്ല, മദ്രാസിലും ബോംബെയിലും മറ്റെവിടേയും കൺട്രോൾ നിയമം ഉണ്ടാക്കീട്ടുണ്ടോ അവിടെയെല്ലാം ആ കൺട്രോൾ നിയമത്തിന്നു് എതിരായി പ്രവർത്തിക്കുന്നതായിട്ടാണു് നമുക്കനുഭവപ്പെട്ടിട്ടുള്ളതു്. അങ്ങിനെ എവിടേയും നിയമത്തിന്നു് എതിരായി പ്രവർത്തിക്കുന്നു എന്നുള്ള ഒരാക്ഷേപം നാം കേൾക്കുമ്പോൾ നമുക്കു മനസ്സിലാക്കാൻ സാധിക്കുന്നതു് ആ നിയമം കവച്ചുവെക്കാൻവേണ്ടി അതിന്നുള്ള തടസ്ഥങ്ങൾ ഉണ്ടാക്കുന്ന ഒരു സമ്പ്രദായം നിലവിലുണ്ടെന്നാണു്. ഇതിനെക്കുറിച്ചു് ആ തടസ്ഥങ്ങൾ ഉണ്ടാകാതിരിക്കാൻവേണ്ടി ഇന്നിന്ന സമയങ്ങളിൽ ആയിരിക്കണം വിശ്രമസമയം കൊടുക്കേണ്ടതു് എന്നു ഞാൻ പ്രത്യേകം ആവശ്യപ്പെട്ടിട്ടുണ്ടു്. ആദ്യപേക്ഷലെ തന്നെ ഏതെങ്കിലും ഒരു വ്യാപാരസ്ഥലത്തു ജോലിയെടുത്തുകൊണ്ടിരിക്കുന്ന ഒരാൾക്കു്, അവിടത്തെ ജോലി കഴിഞ്ഞാൽ വേറെയൊരു സ്ഥലത്തു പോയി ജോലിയെടുക്കാനും ചിലപ്പോൾ സാധിച്ചു എന്നുവരാം. അങ്ങിനെ സാധിക്കുന്നതു് ഈ എട്ടുമണിക്കൂർ ജോലിചെയ്യൽ മതി എന്നുള്ളതുകൊണ്ടാണു്. എട്ടുമണിക്കൂർ ഒരു സ്ഥലത്തു ജോലിയെടുത്തുകഴിഞ്ഞാൽ വേണമെങ്കിൽ മറ്റൊരുസ്ഥലത്തു് എട്ടുമണിക്കൂർകൂടി ജോലിയെടുത്തു് എന്തെങ്കിലും സമ്പാദിക്കാൻ സാധിക്കുമായിരിക്കാം. പക്ഷെ, അതിനേയും തടയണമെന്നുള്ള നിലയിൽ ഇതിൽ ചില വ്യവസ്ഥ ഉൾക്കൊള്ളിച്ചിട്ടുണ്ടു്. ഇങ്ങിനെ ഖണ്ഡിക ഖണ്ഡികയായിട്ടു് ഇതിനെ സംബന്ധിച്ചു വിശദീകരിച്ചു് ഈ സഭയുടെ സമയം നഷ്ടപ്പെടുത്തണമെന്നു ഞാൻ വിചാരിക്കുന്നില്ല. കാരണം, ഇതുപോലെ രണ്ടു ബില്ലുകൾ സിലക്ടു് കമ്മിറ്റിയിൽ ഇരിക്കുമ്പോൾ ഇതും സിലക്ടു് കമ്മിറ്റിയുടെ മുമ്പിൽ വെച്ചു് ഖണ്ഡിക ഖണ്ഡികയായി വിമർശനം നടത്തി അതു നിയമമാക്കിത്തീർക്കണമെന്നു ഞാൻ ആഗ്രഹിക്കുന്നതുകൊണ്ടാണു്. അതുകൊണ്ടു ഞാൻ ഈ വിഷയത്തിൽ സഭയുടെ സമയം നഷ്ടപ്പെടുത്താതെ, ഇന്നു നിലവിലില്ലാത്ത പല ആശയങ്ങളും, ബാങ്കുതൊഴിലാളിക്കായാലും വേണ്ടില്ല, ഇൻഷുറൻസു് കമ്പനിത്തൊഴിലാളിക്കായാലും വേണ്ടില്ല, ഏതു വ്യാപാരശാലകളിലെ തൊഴിലാളികൾക്കും ബാധകമാകുന്നവിധത്തിൽ,

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ഇതിൽ ഉൾക്കൊള്ളിച്ചിട്ടുള്ളതുകൊണ്ട് ഈ ഒരു നിയമം നമ്മുടെ നാട്ടിൽ ഉള്ള എണ്ണമറ്റ തൊഴിലാളികൾക്കും സഹായകമാകുമെന്നുള്ള വിശ്വാസത്തോടുകൂടി ഞാൻ ഇതു് സഭയുടെ അനുമോദനത്തിനും അനുകൂല്യത്തിനും വേണ്ടി സമർപ്പിച്ചുകൊള്ളുന്നു.

*മിസ്റ്റർ പി. കെ ഡീവർ: സർ, ഞാൻ ഈ ബില്ലിനെ അനുകൂലിക്കുന്നു. ഈ ബില്ലിനുമുമ്പു് ഈ നിയമസഭയിൽ അവതരിപ്പിച്ചിട്ടുള്ളതായ രണ്ടു ബില്ലുകളുടെയും തത്വത്തെ അടിസ്ഥാനപ്പെടുത്തിയാണു് ഈ ബില്ലും ഇവിടെ അവതരിപ്പിച്ചിട്ടുള്ളതു്. ഈ ബില്ലിനെപ്പറ്റി ഇതിനുമുമ്പു കൊണ്ടുവന്നിട്ടുള്ള ബില്ലുകളെക്കുറിച്ചുണ്ടായതിനേക്കാൾ കൂടുതൽ അഭിപ്രായഭിന്നതകൾ ഉടയുണ്ടെന്നു സംഗതി വിസ്മരിക്കുന്നില്ല. കഴിഞ്ഞ ബില്ലുകളേക്കാൾ —ഇതിനുമുമ്പു ഞാനും മിസ്റ്റർ പുത്തൂർ അച്യുതമേനോനും അവതരിപ്പിച്ചിട്ടുള്ള ബില്ലുകളേക്കാൾ—തൊഴിലാളികൾക്കു ഗുണമുള്ള ചില വകുപ്പുകൾ ഇതിലുണ്ടെന്നുള്ളതുകൊണ്ടു്, ഞങ്ങളുടെ ബില്ലുകളെത്തന്നെ അഭിപ്രായപ്പെടുന്ന മുതലാളികൾ ഇതിനെ ശക്തിയായി അഭിപ്രായപ്പെടുമെന്നു എനിക്കറിയാം. ഏങ്കിലും ഇതു ഒരു നാട്ടിലും നടപ്പില്ലാത്ത ഒരേർപ്പാടാണെന്നു് അതും തെറ്റിദ്ധരിക്കരുതു്. സിലോണിൽ ഇതുപോലെ ഒരു നിയമമുണ്ടു്. കൊളമ്പിലെ പീടികകളിലും ഷാപ്പുകളിലും ഈ നിയമം നടപ്പിലായിട്ടുണ്ടു് അതു ബാധകമായതുകൊണ്ടു് ഇതേവരെ അവർക്കൊരു ദോഷവുമുണ്ടായിട്ടില്ലെന്നുള്ളതറിയുമ്പോൾ ഇവിടെ ഈ നിയമത്തെ എതിർക്കുന്നവർ അവരുടെ എതിർപ്പുകൾ ഉപേക്ഷിക്കുമെന്നു ഞാൻ വിശ്വസിക്കുന്നു. ഈ ബിൽ സെലക്ടു് കമ്മിറ്റിക്കു അയക്കുന്നതായിരിക്കും. അപ്പോൾ ഇതിനുമുമ്പു സെലക്ടു് കമ്മിറ്റിയെ ഏല്പിച്ചിട്ടുള്ള ബില്ലുകളെ പരിഗണിച്ചുകൊണ്ടു് അതേ സെലക്ടു് കമ്മിറ്റിക്കുതന്നെ ഈ ബില്ലും അയക്കുമെന്നു ഞാൻ വിശ്വസിക്കുന്നു. ഈ ബില്ലിനെപ്പറ്റിയുള്ള അഭിപ്രായഭിന്നതകൾ താമസം നേരിട്ടാലും ഇതിനുമുമ്പിലത്തെ ബില്ലുകളെപ്പറ്റിയുള്ള അഭിപ്രായഭിന്നതകൾ നീട്ടിക്കൊണ്ടുപോകാതെ കഴിക്കണം. കാരണം കക്കടകം വണ്ടിറ്റ്സമ്മേളനത്തിലെങ്കിലും ഇതിനുമുമ്പു അവതരിപ്പിച്ചിട്ടുള്ള ബില്ലുകൾ പാസ്സാക്കി അതാകുന്ന വേഗം നടപ്പിലായി കണ്ടാൽകൊള്ളാമെന്നുള്ള അഭിപ്രായംകൊണ്ടാണു്. ഈ ബില്ലിനു കൂടുതൽ ചർച്ച് ആവശ്യമായി വരുന്നപക്ഷം ഇതിനു മുമ്പിലത്തെ ബില്ലുകൾ അതാകുന്ന വേഗം പാസ്സാക്കി അതുകൊണ്ടുണ്ടാകുന്ന അനുകൂല്യങ്ങളെങ്കിലും തൊഴിലാളികൾക്കു അതാകുന്നവേഗം ലഭിക്കണമെന്നും, അതിനാൽ ഈ ബില്ലിനോടു ഒപ്പം ആ ബില്ലുകൾ നീട്ടിക്കൊണ്ടുപോകരുതെന്നും അഭ്യർത്ഥിച്ചുകൊണ്ടു് ഞാൻ ഈ ബില്ലിനെ പിന്താങ്ങിക്കൊള്ളുന്നു.

Mr. President : The question is that the Cochin Shops and Commercial Establishments Bill be read in Council.

Motion put and carried

Secretary to Council : The title of the Bill is the Cochin Shops and Commercial Establishments Bill.

Mr. P. T. Jacob *(Latin Christians-Mattancherri) :* I request Sir, that this Bill also may be referred to the same Select Committee constituted for consideration of the Bill on the same subject.

Mr. P. K. Dewer *(Nominated) :* I second it.

Mr. President : The question is that the Shops and Commercial Establishments Bill be referred to the same select committe as is constituted for the purpose.

Motion put and carried

Mr. P. K. Dewer *(Nominated) :* I don't move the Cochin Panchayat Act (Amending) Bill standing in my name. It has been the wish of many members of my party and the other parties that the Bill requires further consideration by them and therefore I propose to move it only in the next Session.

RESOLUTION—NON-OFFICIAL

I. Need for Legislation preventing Land-lords from evicting tenants from lands at their will and pleasure

മിസ്റ്റർ കെ. കൊച്ചുകുട്ടൻ: "കുടികിടപ്പുകാരെ വസ്തു ഉടമസ്ഥന്മാർ ഇഷ്ടംപോലെ ഇറക്കിവിടുന്നു സമ്പ്രദായം നിയമംമൂലം തടയണമെന്നു് ഈ സഭ ഗവൺമെണ്ടിനോടു് ശുപാർശ ചെയ്യുന്നു".

*Speech not corrected by the Hon'ble Member.

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APPDNDIX III

The Cochin Verumpattamdars (Condonation of Forfeiture) Bill

Preamble.—WHEREAS it is expedient to give relief to certain Verumpattamdars from eviction it is hereby enacted as follows.

1. (1) This Act may be called the Cochin Verumpattamdars (Condonation of Forfeiture) Act....of 112...

(2) It extends to the whole of Cochin and it shall come into force at once.

2. Notwithstanding anything contained in any law for the time being in force, wherein any suits instituted before the 12th day of Meenam 1119 or in any review, appeal or revision against any decree or order passed therein when a Verumpattamdar is sought to be evicted on the grounds specified in clause (*c*) or clause (*d*) of section 8 of the Cochin Verumpattamdars Act, VIII of 1118, the Courts shall, if the Verumpattamdar deposits within 90 days of the passing of the Act in the Courts in which the suits, review, appeal of revision is pending, or in the case of a decree in the Courts executing or competent to execute the decree, the pattam and puravaka dues and interest thereon legally recoverable or decreed, as the case may be and unless covered by the decree and the arrears of pattam; puravaka dues and interests thereon which have accrued due subsequent to the date of the plaint up to the date of deposit and the full costs with interest thereon at 6 per cent per annum to the plaintiff or the decree-holder, pass an order condoning the forfeiture and thereupon the Verumpattamdar shall hold the property as if the default had not occurred.

Objects and Reasons

The Act VIII of 1118 and the subsequent amending Acts and Proclamations gave undoubtedly substantial relief to the unprotected Verumpattam tenants of our State. But there are some genuine cases pending in our Courts in which eviction shall be ordered in spite of clause (*d*) of sub-section (1) of section 8 of Act VIII and the correcting section 3 of Act XV of 1118. It is only equitable and just that such Verumpattamdars without being unnecessarily attacked of their careless conduct may be lastly relieved of their heart-burn and misery arising out of their imminent eviction. Hence the Bill.

(Sd)
K. T. ACHYUTAN

APPENDIX IV

The shops and cmmercial establishment bill

A Bill to provide for the regulation of the employment of persons and for the control of the hours of business in shops and commercial establishments may be enacted as follows.—

1. *Short title and date of operation.*—This Act may be cited as the shops and Commercial Establishments Act, and shall come into operation on such date as the Government shall appoint by Proclamation published in the Gazette.

2. (1) *Appointment of officers and servants for the purposes of the Act.*—The Government may appoint such number of Officers and servants as may from time to time be required for the purpose of carrying out or giving effect to the provisions of this Act.

(2) In the exercise of their powers and in the discharge of their duties under this Act all officers and servants appointed under this section shall be subject to the general direction and control of the Labour Commissioner.

2. (1) *Administration of Act.*—A. The Labour Commissioner shall be the officer in charge of the general administration of this Act.

(2) Subject to any general or special directions of the Commissioner, any Deputy Commissioner of Labour may exercise, perform or discharge any power, duty or function of the Labour Commissioner under this Act or under any regulation.

(3) The Labour Commissioner may either generally or specially authorise any officer appointed under section 2 to exercise, perform or discharge any power, duty or function of the Labour Commissioner under this Act or under any regulation.

3. (1) *Restriction of hours of employment of persons in shops and Commercial establishment.*—Subject to the provisions of any regulation made under sub-section (3), the normal period during which any person may be employed in or about the business of any shop or Commercial establishment—

(*a*) on any one day shall not exceed eight hours, and

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(*b*) in any one week shall not exceed forty-five hours:

The periods referred to in this sub-section shall not include any interval allowed for rest or a meal under any provision of this Act or any interruption permitted by regulation under sub-section (3).

(2) Subject to the provisions of any regulation made under sub-section (3), the period during which any person is employed in or about the business of a shop or commercial establishment on any one day shall consist of one continuous period without any interruption other than any interval allowed for rest or a meal under any provision of this Act.

(3) Regulations may be made—

(*a*) prescribing the periods for which persons may be employed overtime in or about the business of a shop or commercial establishment;

(*b*) varying any period mentioned in sub-section (1) or prescribed under paragraph (*a*), as regards different classes of persons employed in or about the buiness of a shop or commercial establishment or as regards persons employed in or about the business of different classes of shops or commercial establishments or persons above or below a specified age;

(*c*) prescribing the conditions subject to which persons may be employed overtime in or about the business of a shop or commercial establishment and the method of computing the remuneration (if any) which shall be paid in respect of such overtime work;

(*d*) prescribing the cases and circumstances in which, and the conditions and restrictions subject to which, the continuity of the period mentioned in sub-section (2) may be interrupted otherwise than by, and in addition to, any interval for rest or a meal, but so, however; that not more than twelve hours elapse between the time at which any person employed in or about the business of a shop or commercial establishment commences work on any day and the hour at which that persons ceases work for that day.

(4) No person shall be employed in or about the business of any shop or commercial establishment in contravention of any provision of this section or of any regulation made thereunder which applies to that shop or commercial establishment.

4. *Hours of employment in any other shop, commercial establishment or in a factory to be taken into account.*—No person, who has to the knowledge of the occupier of a shop or commercial establishment been previously employed on any day in any other shop, commercial establishment or in a factory, shall be employed in or about the business of the shop or commercial establishment on that day for a period longer than will, together with the time during which he has so been previously employed on that day, complete the number of hours provided by or prescribed under section 3 as the maximum period during which that person shall be employed on any one day.

5. *Weekly holidays.*—Every person employed in or about the business of a shop or commercial establishment shall be allowed, with full wages, one whole holiday and one half-holiday in each week.

6. (1) *Holidays and leave with full wages.*—In each year succeeding that during which any person has been continuously employed in or about the business of any shop or commercial establishment that person—

(*a*) shall be entitled to take, and shall take a holiday of seven consecutive days with full wages; and

(*b*) shall, subject to such conditions as may be prescribed, be entitled to take, on account of private business, ill-health or other reasonable cause, leave with full wages for periods not exceeding fourteen days in the aggregate;

and the occupier or that shop of commercial establishment shall allow such holiday and such leave and be liable to pay such wages.

(2) Any contract or agreement, whether made before or after the commencement of this Act, whereby any right under sub-section (1) of any person employed in or about the business of any shop or commercial establishment is in any way affected or modified, or whereby any liability under that sub-section of the occupier of any shop or commercial establishment is in any way removed or reduced, shall be null and void in so far as it purports to affect or modify any such right, or to remove or reduce any such liability.

(3) For the purposes of this section, the continuity of the employment of any person in or about the business of a shop or commercial establishment shall be deemed not to be interrupted by reason of the absence of that person from work—

(*a*) with full wages in accordance with any provisions of this Act; or

(*b*) for a longer period than seven consecutive days, where a holiday in excess of the requirements of this section is granted to that person; or

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(c) with the consent of the occupier of the shop or commercial establishment in or about the business of of which that person is employed.

(4) In this section "year" means a period of twelve months.

7. (1) *Intervals for meals.*—It shall be the duty of the occupier of every shop or commercial establishment to allow intervals for rest or a meal to all persons employed in or about the business of that shop or commercial establishment in accordance with the regulations in the Schedule.

(2) Regulations may be made by the Labour Commissioner varying all or any of the provisions of the Schedules as regards the different classes of persons employed in or about the business of a shop or commercial establishment or persons employed in or about the business of different classes of shops and commercial establishments.

(3) Nothing in sub-section (1) or sub-section (2) or in the Schedule shall apply to—

(a) any persons employed in or about the business of a shop or commercial establishment on any day on which the total period during which he is so employed does not exceed five continuous hours;

(b) any person who is a member of the family of the occupier of a shop or commercial establishment maintained by him and dwelling in his house.

8. (1) *Provisions relating to employment of women and persons under eighteen in shops and commercial establishments.*— No person under the age of fourteen years shall be employed in or about the business of a shop or commercial establishment.

(2) No person who is above the age of fourteen years and under the age of eighteen years shall be employed in or about the business of a shop or commercial establishment before 6 a.m. or after 6 p.m. on that day.

(3) Subject as herein-after provided, no female person of or above the age of eighteen years shall be employed in or about the business of a shop or commercial establishment before 6 a. m. or after 6 p.m. on any day:

Provided, however, that any such person who is employed in or about the business of a hotel or restaurant may be so employed until 10 p.m. on any day.

9. *Provisions of lighting and ventilation.*—In every part of a shop or commercial establishment in which persons are employed about the business of the shop or commercial establishment, suitable and sufficient means of lighting and ventilation shall be provided and maintained by the occupier of that shop or commercial establishment.

10. (1) *Provisions relating to residence and taking of meals in shops and commercial establishments.*— No person employed in or about the business of any shop or commercial establishment shall be permitted or required by the occupier of that shop or commercial establishment to live or reside therein:

Provided, however, that this section shall not apply in the case of any person who is a member of the family of the occupier of the shop or commercial establishment and is maintained by him, or of any other person in respect of whom a permit in the prescribed form has been issued by the prescribed officer.

(2) Where any person employed in or about the business of any shop or commercial establishment take any meals in that shop or commercial establishment, suitable and sufficient facilities for the taking of those meals in that shop or commercial establishment shall be provided and maintained by the occupier of that shop or commercial establishment.

11. *Provisions of sanitary conveniences and washing facilities except in exempted shops and commercial establishments.*—Save and except to the extent to which a certificate issued under section 12 is in force in respect of any shop or commercial establishment, there shall be provided and maintained in every shop or commercial establishment, by the occupier thereof suitable and sufficient sanitary conveniences and washing facilities for the use of all persons employed in or about the business of that shop or commercial establishment:

Provided that where female persons are so employed suitable and sufficient sanitary conveniences shall be separately provided and maintained for the use of such persons exclusively.

12. (1) *Procedure for exemption of shops and commercial establishments from provisions of section 11.*— If the occupier of any shop or commercial establishment furnishes to the satisfaction of the prescribed officer proof of—

(a) the fact that suitable and sufficient sanitary conveniences and washing facilities are available, within the prescribed distance from that shop, for the use of the persons employed in or about the business of that shop or commercial establishment; and

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(*b*) any other prescribed circumstance or fact, such officer shall issue to the occupier of that shop or commercial establishment a certificate in the prescribed form exempting that shop or commercial establishment from any or all of the provisions of section 11.

(2) Where the prescribed officer refuses to grant a certificate under this section, the refusal shall be communicated to the occupier of the shop or commercial establishment by notice in writing served on him.

(3) Every certificate issued under this section shall remain in force until withdrawn under the sub-section (4) and where any such certificate is modified under that sub-section, such certificate shall continue in force as so modified until it is so withdrawn.

(4) The prescribed officer may at any time by notice in writing, served on the occupier of any shop or commercial establishment, and with effect from a date to be specified in such notice (which date shall not be less than three months from the date of service of the notice) withdraw any certificate issued under this section or modify, in the manner specified in the notice, any such certificate.

(5) The occupier of any shop or commercial establishment who is aggrieved by the refusal of the prescribed officer to issue a certificate under this section, or withdrawal or modification of any such certificate, may appeal against such refusal, withdrawal or modification to the Magistrate's Court having jurisdiction over the place in which the shop or commercial establishment to which such certificate relates is situated.

(6) Where the occupier of any shop or commercial establishment desires to appeal to the Magistrate's Court under the provisions of sub-section (5) he shall, within ten days of the receipt by him of the notices refusing, withdrawing or modifying the certificate, file in such court a written statement of appeal setting out the grounds on which he is dis-satisfied with such refusal, withdrawal or modification, and shall transmit a copy of such statement by registered post to the officer who refused, withdraw or modified the certificate; and the court shall, after giving notice in the prescribed manner to such officer, proceed to hear and determine the appeal and made such order thereon as to it may seem just and equitable in all circumstances of the case

(7) The occupier of the shop or commercial establishment or the officer who refused, withdrew or modified the certificate, may if dissatisfied with any order made by the Magistrate's Court under this section, appeal against such order to the District Magistrate in the manner provided by section 321 of Act II of 1086 of the Criminal Procedure Code, for preferring an appeal against a judgment or final order pronounced by a Magistrate's Court in a criminal case or matter, and the provisions of Chapter 31 of the Code shall apply accordingly to every appeal preferred under this section.

13. *Special provisions relating to prosecutions for breaches of section 11.*—No prosecution against the occupier of any shop or commercial establishment for the breach of any requirement of this Act relating to the provisions of sanitary conveniences or washing facilities in any shop or commercial establishment, shall be instituted in any court unless such occupier—

(*a*) has been served with a notice issued by the prescribed officer calling on him to take such action as may be specified in the notice for the purpose of securing compliance with the said requirement; and

(*b*) has failed to comply with such notice within a period of three months from the date of the service on him of such notice.

14. *Provisions of seats for female shop assistants.*—(1) In all rooms of any shop or commercial establishment in which female persons are employed in the serving of customers, there shall be provided for the use of such persons seats behind the counter or in such other position as may be suitable for the purpose.

(2) The seats provided under sub-section (1) shall be in the proportion of not less than one seat to every 3 female persons employed in each room.

(3) The occupier of every shop or commercial establishment in which seats are provided under sub-section (1) shall permit the female persons employed in that shop or commercial establishment to make use of such seats whenever the use thereof does not interfere with their work, and shall also in the perscribed manner and in the prescribed form give notice informing such persons that they are intended to do so.

15. *Labour Commissioner to make closing orders.*—(1) Where the Labour Commissioner is of opinion that it is expedient to restrict the hours during which shops or commercial establishments may be or remain open for the serving of the customers, he may subject to the provisions of section 16 make an order under this section (hereinafter referred to as a "closing

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order") requiring that every shop or commercial establishment shall be closed for the serving of customers—

(*a*) until a specified hour on each day, or on one or more specified days, in every week;

(*b*) at and after a specified hour on each day, or on one or more specified days, in every week;

(*c*) throughout a specified day in every week.

(2) Any closing order may—

(*a*) specify different days or different hours for different classes of shops or commercial establishments or for shops and commercial establishments in different areas; or

(*b*) specify different days or different hours for different periods of the year; or

(*c*) authorise sales after the closing hour, in any specified class of shop or commercial establishment, in cases of emergency or in such other circumstances as may be specified in the order; or

(*d*) exempt from all or any of the provisions of any such order any particular class of shops or commercial establishments; and

(*e*) make such incidental, supplemental or consequential provisions as may appear necessary or expedient.

16. (1) *Notice of intention to make a closing order to be given in the Gazette.*—No closing order shall be made by the Labour Commissioner unless notification of his intention to make such order is published in the Gazette and in two Malayalam and one English Newspapers, together with the full particulars relating to such order and a notice specifying a date on or before which objections to the proposed order will be received by the Labour Commissioner.

(2) Every objection preferred in consequence of a notice under sub-section (1) shall be made in writing and shall contain a statement of the grounds upon which objection is taken to the proposed order.

(3) The Labour Commissioner shall consider all objections made in consequence of a notice under sub-section (1) and may for the purpose of investigating any such objection hold such inquiry as to him may seem necessary.

17. (1) *Closing orders to be approved by the Legislative Council and ratified by the Government.*—Every closing order made by the Labour Commissioner under section 15 shall be published in the Gazette and shall be brought before the Legislative Council by a motion that such order be approved.

(2) If the Legislative Council approves any closing order such order shall be submitted to the Government for ratification.

(3) No closing order shall have effect until it has been approved by the Legislative Council and ratified by the Government; nor until notification of such approval and ratification has been published in the Gazette.

(4) A closing order made by the Labour Commissioner, when approved by the Legislative Council and ratified by the Government shall, upon notification of such approval and ratification in the Gazette be as valid and effectual as if it were herein enacted.

18. *No shop to be open in contravention of a closing order.*—No shop or commercial establishment shall be or remain open for the serving of the customers in contravention of any provision of any closing order duly made under this Act, and no customer shall on any day be permitted to enter any shop or commercial establishment after the hour specified in any such order as the hour at and after which that shop or commercial establishment shall be closed on that day.

MISCELLANEOUS

19. *List of persons employed to be exhibited.*—The occupier of every shop or commercial establishment shall keep exhibited in the shop or commercial establishment in such a manner as may be prescribed a notice in the prescribed form setting out a list of persons employed in or about the business of the shop or commercial establishment and such other particulars as may be prescribed.

20. *Records to be kept by occupier.*—The occupier of every shop or commercial establishment shall in the prescribed form and manner, keep a record of the hours actually worked by each person employed in or about the business of that shop or commercial establishment, including particulars of all overtime work done by each such person.

21. (1) *Powers of entry, etc., of prescribed officers.*—Every prescribed officer shall have the power—

(*a*) to enter and inspect, at all reasonable hours by day or night, any shop or

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commercial establishment or any part of a shop or commercial establishment, for the purpose of examining any record or notice required to be kept or exhibited by or under this Act or of ascertaining whether the provisions of this Act are being complied with; and

(*b*) to examine any person whom he finds in any shop or commercial establishment and who is employed in or about the business of any shop or commercial establishment or whom he has reasonable cause to believe is so employed.

(2) It shall be the duty of the occupier of any shop or commercial establishment and of every agent or servant of such occupier to furnish such facilities as may be required by any officer for the purposes of any entry, inspection or examination which that officer is empowered to carry out under sub-section (1).

22. *Provisions relating to shops and commercial establishments where one or more business is carried on.*—Where several trades of businesses are carried on in the same shop or commercial establishment and any of those trades or business is of such a nature that, if it were the only trade or business carried on in that shop or commercial establishment, that shop or commercial establishment would be exempt from any provisions of this Act or of any regulation, the exemption shall, subject to any regulation in that behalf, apply to the shop or commercial establishment only so far as the carrying on of that trade or business is concerned.

OFFENCES

23. (1) *Offences.*—In the event of any contravention of or failure to comply with any provision of this Act or of any regulation relating to any shop or commercial establishment or to the employment of any person in or about the business of that shop or commercial establishment the occupier of that shop or commercial establishment shall be guilty of an offence and shall be liable—

(*a*) for a first offence, to a fine not exceeding fifty rupees or, in default of payment of such fine, to imprisonment of either description for a term not exceeding one month;

(*b*) for a second offence, to a fine not exceeding one hundred rupees or, in defalut of payment of such fine, to imprisonment of either description for a term not exceeding three months;

(*c*) for a third offence or subsequent offence to a fine not exceeding two hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

(2) Where any person, who has previously on any day been employed in or about the business of any shop or commercial establishment or in any factory is subsequently employed on that day in or about the business of any shop or commercial establishment for a period longer than will, together with the time during which he has so been previously employed on that day complete the number of hours provided by or prescribed under section 3 as the maximum period during which that person shall be employed on any one day, such person shall be guilty of an offence and shall be liable to the penalties provided in sub-section (1).

24. (1) *Obstruction of officer exercising powers under section 21.*—Any person who wilfully delays or obstructs any officer in the exercise of any power conferred by section 21 (1) or conceals or prevents any person liable to be examined by such officer from being so examined, shall be guilty of an offence and shall be liable to a fine not exceeding one hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

25. *Offences in connection with notices or records under the Act.*—If any person makes or exhibits, or allows to be made or exhibited, in any record or notice required by or under this Act to be kept or exhibited, any entry which is to his knowledge false in any material particular or wilfully omits causes or allows to be omitted from any such record or notice any entry required to be made therein, he shall be liable to a fine not exceeding two hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

26. *Offences under Act to be triable summarily.*—All offences under this Act may be tried summarily before a Magistrate.

27. *Liability of manager, agent and etc., of occupier of offences.*—Where an offence for which the occupier of the shop or commercial establishment is liable under this Act, has in fact been committed by some manager, agent, servant or other person, the manager, agent, servant or other person shall be guilty of that offence and be liable to the like penalty as if he were the occupier.

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28. *Where occupier proves that some other person is guilty of the offences.*—Where the occupier of a shop or commercial establishment is charged with an offence against this Act, he shall upon complaint duly made by him in accordance with the provisions of section 218 of the Criminal Procedure Code and on giving to the prosecution not less than three days notice of his intention, be entitled, subject to the provisions of Chapter XX of that Code, to have any other person whom he charges as the actual offender brought before the Court, and if, after the commission of the offence has been proved, the occupier proves to the satisfaction of the court that he has used due diligence to enforce the provisions of this Act and that such person has committed the offence without his knowledge, consent, or connivance, such other person shall be convicted of the offence and the occupier shall be acquitted of the offence.

29. (1) *No offence committed by occupier in certain cases where customer is served after hours.*—Where, on any day, any person employed in or about the business of a shop or commercial establishment is at the hour at which his employment should under this Act cease on that day actually engaged in serving any customer, the occupier of that shop or commercial establishment shall not be deemed to be guilty of any offence by reason only of the fact that such person was employed on that day after such hour merely in continuing to serve that customer.

(2) Where, on any day, any customer is in any shop or commercial establishment at the hour at and after which that shop or commercial establishment should under this Act be closed on that day, the occupier of that shop or commercial establishment shall not be deemed to be guilty of any offence by reason only of the fact that such customer was served on that day at any time within a period of half an hour after such hour.

REGULATIONS

30. (1) *Regulations.*—The Labour Commissioner may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Act.

(2) In particular and without prejudice to the generality of the powers conferred by sub-section (1), the Labour Commissioner may make regulations for or in respect of any or all of the following matters.—

(*a*) All matters stated or required by this Act to be prescribed and all matters for which regulations are required or authorised under this Act to be made;

(*b*) the manner in which notices under this Act shall be served;

(c) the exemption of particular classes of premises, or particular classes of trades or businesses, or of particular classes of persons employed in or about business of a shop or commercial establishment, from all or any of the provisions of this Act or of any regulation, either with or without conditions or restrictions, and either for specified periods or not.

(3) Every regulation made by the Labour Commissioner shall be brought before the Legislative Council by a motion that such regulation shall be approved and if so approved shall be submitted to the Government for ratification. No regulation made by the Labour Commissioner shall have effect until it has been approved by the Legislative Council and ratified by the Government. Notification of such approval and ratification shall be published in the Gazette.

(4) A regulation made by the Labour Commissioner when approved by the Legislative Council and ratified by the Government shall, upon the notification of such approval and ratification in the Gazette, be as valid and effectual as if it were herein enacted.

INTERPRETATIONS

31. (1) In this Act, unless the context otherwise requires.—

"Labour Commissioner" means the person for time being holding the Office of the Commissioner of Labour and includes—

(*a*) subject to any direction given by the Labour Commissioner under section 2A (2), any Deputy Commissioner of Labour, and

(*b*) in respect or any particular power, duty or function of the Labour Commissioner under this Act or any regulation, any officer authorised by the Labour Commissioner under section 2A (3) to exercise, perform or discharge that power, duty or function;

"factory" means a factory as defined in the Factory Act.

"Full wages" in relation to any holiday or leave granted to a person employed in or about the business of a shop or commercial establishment means, in the case of such person whose wages are paid at a month rate, wages at a rate equivalent to the rate to which such person was entitled immediately before the holiday or leave, as the case may be, and in the case of any such

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person whose wages are paid otherwise than at a monthly rate, wages at a rate determined in the prescribed manner;

"half-a-holiday" means a day on which the employment of a person employed in or about the business a shop or commercial establishment ceases not later than two O' Clock in the afternoon and on which such person is not so employed for more than 5 hours exclusive of any interval allowed under any provision of this Act for rest or a meal and any interruption permitted by regulation under section 3 (3);

"Occupier" in relation to any shop or commercial establishment means the owner of the business of that shop or commercial establishment or any person having the charge of the general management and control of that shop or commercial establishment.

"Overtime" in relation to any shop or commercial establishment means employment or work in excess of the normal maximum period provided by or under section 3;

"Magistrate and Magistrate's Court" respectively include a Second Class Magistrate and the court of the Second Class Magistrate.

"Prescribed" means prescribed by regulation;

"Regulation" means a regulation made by the Labour Commissioner under this Act.

"Shop" means any premises in which any retail or wholesale trade or business is carried on and includes any premises in which the business of a barber or hair-dresser, or the sale of articles of food or drink is carried on, but does not include any prescribed premises or any premises in which any prescribed trade or business is carried on.

"Commercial Establishment" means an establishment which is not a shop but which does the business of advertising commission forwarding or commercial agency, or which is a clerical department of a factory or of any industrial or commerical undertaking or which is an insurance company, joint stock company, bank, brokers, office, exchange or such other class of establishments as the Government may by notification in the Gazette declare to be a Commerical Establishment for the purpose of this Act.

"Suitable and sufficient" in relation to any shop or part of shop or commercial establishment or part of commercial establishment means suitable and sufficient having regard to the circumstance and conditions affecting that shop or commercial establishment or part of a shop or commercial establishment.

"Week" means the period between midnight on any Saturday night and midnight on the suceeding Saturday night;

"Whole holiday" means a day on which a person usually employed in or about the business of a shop or commercial establishment is not so employed during any period.

(2) For the purpose of this Act

(*a*) a person shall be deemed to be employed in or about the business of a shop or commercial establishment if he is wholly or mainly employed in a shop or commercial establishment, in connection with the serving of customers or the receipt of orders or the despatch or delivery of goods;

(*b*) no person other than the occupier of any shop or commercial establishment or the spouse or a child of such occupier, shall be deemed to be a member of the family of the occupier of that shop or commercial establishment.

(*c*) a person employed in or about the business of any shop or commercial establishment shall be seemed to be so employed on any day throughout the period during which he is at the disposal of the occupier of that shop or commercial establishment, exclusive of any interval allowed under any provisions of this Act for rest or a meal and any interruption permitted by regulation under section 3 (3).

APPLICATION OF THE ACT

32. *Exemption from application of Act.*—Nothing in this Act shall apply to.—

(*a*) any bazaar or sale or work for charitable or other purposes from which no private profit is derived, and which does not continue longer than for a period of one month from the date on which such bazaar or sale commenced; or

(*b*) any business carried on by any undertaker in connection with funerals; or

(*c*) any other prescribed trade or business;

Provided that the exemption from the provisions of this Act in the case of any bazaar or sale of work under paragraph (*a*) may be continued beyond the period mentioned in that paragraph, under the authority of a written permit from the Labour Commissioner specifying the further period during which such exemption shall continue in force.

33. *Provisions of Act to be in addition to and not in substitution of other law.*— The

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provisions of this Act shall be in addition to and not in substitution or derogation of the provisions of any other written law relating to the carrying on of any trade or business or the employment of any person in any trade or business; and nothing in this Act shall be deemed or construed to permit the carrying on of any business or trade or the employment of any person in contravention of any provision of any such other law.

SCHEDULE

Intervals for rest or a meal

1. (*a*) where the period between the time at which any person employed in or about the business of a shop or commercial establishment commences work on any day and the time at which he ceases work to that day and the time at which he ceases work to that day includes the hours 11 a. m. to 2 p.m., the person shall be allowed an interval of one hour, commencing between those hours, for rest or a meal.

(*b*) Where such period includes the hours 4 p. m. to 6 p. m. that person shall be allowed an interval of half an hour commencing between those hours, for rest or a meal.

(*c*) Where such period includes the hours 7 p. m. to 10 p.m. that person shall be allowed an interval of half an hour commencing between those hours, for rest or a meal.

2. Subject as hereinafter provided, every person employed in or about the business of a sh p or commercial establishment shall, on each day on which he is so employed be allowed an interval of half an hour for rest or a meal at the termination of each period of four hours during which he has been continuously so employed.—

Provided that here any such period of four hours terminated between the hours of 11 a. m. and 2 p. m. or of 4 p. m. and 6 p. m. or of 7 p. m. and 10 p. m. and the interval provided in paragraph (*a*) or paragraph (*b*) or paragraph (*c*) as the case may be, of regulation 1 of this Schedule shall be allowed in substitution for the interval under this regulation.

Statement of Objects and Reasons

The insistant demand of the shop assistants and employees of other business houses, for restricting the hours of labour, fixing holidays and for obtaining other amenities in the manner in which industrial and other labour has been regulated through legislation is the main object of this Bill. To keep up the moral standard, protect the health of His Highness subjects, utilise more of States' National labour and to check the unemployment problem which confront us at present, a bill of this nature is quite essential. Hence the request for this legislation.

(Sd.) P. T. JACOB

APPENDIX V

The Cochin Panchayat Act (Amending Bill)

WHEREAS it is expedient to amend the Cochin Panchayat Act, XX of 1120; It is hereby enacted as follows.—

I. This Act may be called the Cochin Panchayat (Amendment) Act of 112.

II. It shall come into force at once.

III. Substitute the following for Section 11 of the Panchayat Act, XX of 1120.—

"11. No person shall be qualified for election to any seat on a Panchayat unless

(*a*) his name appears on the Electoral Roll

(b) and he has completed his twentyfifth year of age".

Statement of Objects and Reasons

It is not necessary to fix any literacy or property qualification for a voter to stand as a candidate for election. This is not insisted on in the case of a candidate seeking election to the Legislative Council. Literacy or property qualification is no test of political education. However, it is not likely that the electorate would elect an illiterate as their representative. Moreover, this literacy qualification would create complications in fixing as to what should be the test of literacy. Hence this Bill.

(Sd.)
P. K. DEWER

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